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PTO/SB/21 (08-04)

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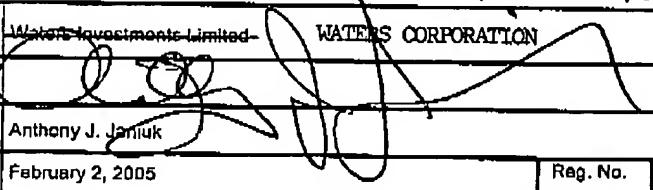
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FORM

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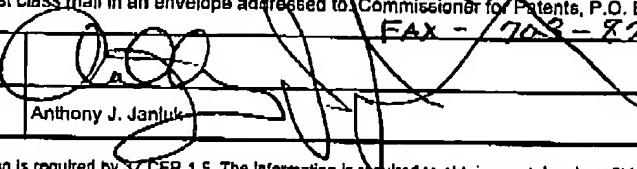
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Application Number	10/733,825
Filing Date	December 11, 2003
First Named Inventor	Robert Harold Bateman
Art Unit	2881
Examiner Name	Johnnie L. Smith
Attorney Docket Number	03-MM-04 85.82926/004

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Response to Telephone Interview with Examiner 2) PTO/SB/96 form - Statement under 37 CFR 3.73(b)
<input type="checkbox"/> Remarks Authorization has been given to charge the Terminal Disclaimer fee. Customer No. 000043830		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name <input type="text" value="Waters Investments Limited"/> Signature  Printed name <input type="text" value="Anthony J. Janiuk"/> Date <input type="text" value="February 2, 2005"/> Reg. No. <input type="text" value="29,809"/>		

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature 

FAX - 703-292-9306

Typed or printed name

Date February 2, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. 03-MM-04 85.82926/004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/733,925
Filing Date: December 11, 2003
First Named Inventor: Robert Harold Bateman
Art Unit: 2881
Examiner Name: Johnnie L. Smith
Title: ION DETECTOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Telephone Interview with Examiner and Filing of Terminal Disclaimer

Dear Sir:

In response to a telephone interview with Examiner Smith on or about January 24, 2005, Applicants became aware of a potential double patenting issue. The Examiner indicated to Attorney for Applicants that the Application appeared to be in condition for allowance in all respects but for such double patenting issue. The Examiner suggested that Applicants file a terminal disclaimer with respect to co-pending U. S. Patent Application 10/734,055, filed on December 11, 2003.

Enclosed for filing in the present Application, please find a terminal disclaimer to obviate a provisional double patenting rejection over a pending "reference" application (PTO/SB/25(09-04) and Statement under 37 CFR 3.73(b).

AUTHORIZATION TO CHARGE FEE

The Commissioner is hereby authorized to charge the Terminal Disclaimer fee in the sum of \$110.00 pursuant to 37 C.F.R. 1.20(d) to deposit account no. 23-0503. Should Applicant be mistaken in the calculation of fees the Commissioner has authorization to charge any fee deficiency required by this paper to deposit account no. 23-0503.

Applicants respectfully submit the present terminal disclaimer removes any objection of double patenting and places the present application in condition for allowance, which action is earnestly requested.

Reg. No. 29,809
February 2, 2005

Respectfully submitted,
Anthony J. Janiuk, Esq.
Attorney for Applicants